

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA,
NORTHERN DIVISION**

LEE HARTWELL,

Plaintiff,

vs.

THE CITY OF MONTGOMERY and
THE PERSONNEL BOARD FOR THE
CITY AND COUNTY OF
MONTGOMERY, and KELLY
GORDON

Defendants.

2007 MAY -4 P 1:11
Case No.: 2:06-CV-518

**RESPONSE TO OBJECTION TO
PLAINTIFF LEE HARTWELL'S
REQUESTED *VOIRE DIRE***

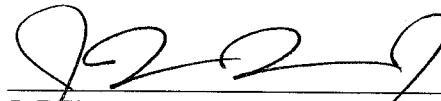
COMES NOW Lee Hartwell, the Plaintiff in the above styled action, by and through undersigned counsel, and responds to the Defendant Kelly Gordon's objection to questions one (1) and two (2) of the Plaintiff's Requested *Voire Dire*, and would set forth the following:

1. The actions taken by the Plaintiff, which were subject to his freedom of speech claim against Kelly Gordon, were to complain about a Confederate Battle Flag tattoo as being offensive to African-Americans. The Plaintiff has a right to know if any proposed juror has a special interest in the Confederate Battle Flag as a result of an organization to which he or she belongs. It would be unfair and prejudicial for the Plaintiff to be required to strike a jury without knowledge that a potential juror belonged to an organization that had special interest in the Confederate Battle Flag.

2. The Defendant's allegation that the questions are an attempt to cause the jurors to believe the case is about racism is misplaced. The Sons of Confederate Veterans is not a racist organization and has never been aligned with being a racist organization, as there are African-American members of the organization.

3. The questions are proper and are necessary to determine whether or not a potential juror has some special interest in preservation of the use of the Confederate Battle Flag.

Respectfully submitted on this the 2nd day of May, 2007.



J. BERNARD BRANNAN, JR. (BRA022)
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing on the following counsel of record, by placing a copy of same in the United States Mail, postage prepaid and properly addressed on this the 4th day of May, 2007:

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